

**CITY**

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**OF**

**LAFAYETTE**

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**HOME RULE CHARTER**

# **ARTICLE I. INCORPORATION, FORM OF GOVERNMENT, BOUNDARIES, POWERS**

## **Section 1-01. Home Rule Charter.**

The Lafayette Charter Commission has proposed and the electors have adopted this, their home rule Charter for the City of Lafayette, hereinafter referred to as the "Charter," under the authority of Article VI, Section 4 of the Louisiana Constitution of 1974, hereinafter referred to as the "Constitution." The City of Lafayette therefore is and shall continue to be a local governmental subdivision, which operates under a home rule Charter, first adopted in 1971 and, subject to said Charter, is authorized as hereinafter provided to exercise any power and perform any function necessary, requisite or proper for the management of its local affairs not denied or limited by the Constitution.

## **Section 1-02. Incorporation.**

The inhabitants of the City of Lafayette within the corporate limits as now established or as hereafter established by law shall be and continue to be a body politic and corporate in perpetuity, under the name of the "City of Lafayette," hereinafter referred to as the "City."

## **Section 1-03. Form of Government.**

The plan of government provided by this Charter shall be known as a "Mayor-Council" form of government. It shall consist of an elected Council, which shall be called the Lafayette City Council and shall constitute the legislative branch of the City government, and an elected Mayor who shall be the Chief Executive Officer and head of the executive branch of City government.

## **Section 1-04. Boundaries.**

The boundaries of the City of Lafayette shall be those in effect as of the effective date of this Charter and shall be subject to change thereafter as provided by law.

**Section 1-05. General Powers.**

The City shall have all the powers, rights, privileges, immunities and authority granted by the Constitution and laws of this State and by this Charter. The City shall have and exercise such other powers, rights, privileges, immunities, authority and functions not inconsistent with this Charter as may be conferred on or granted to a local governmental subdivision by the Constitution and general laws of the state, and more specifically, the City shall have and is hereby granted the right and authority to exercise any power and perform any function necessary, requisite or proper for the management of its affairs, not denied by this Charter, or by general state law, or inconsistent with the Constitution.

**Section 1-06. Special Powers.**

The City shall have the right, power and authority to pass all ordinances requisite or necessary to promote, protect and preserve the general welfare, safety, health, peace and good order of the City, including, but not by way of limitation, the right, power and authority to pass ordinances on all subject matters necessary, requisite or proper for the management of its affairs, and all other subject matter without exception, subject only to the limitation that the same shall not be inconsistent with the Constitution or expressly denied by general law applicable to the City.

**Section 1-07. Joint Service or Cooperative Endeavor Agreements.**

The City may enter into joint service agreements or cooperative endeavor agreements with other entities as provided by law.

**ARTICLE II. CITY COUNCIL****Section 2-01. Composition, Qualifications and Election.**

A. The legislative power of the City of Lafayette shall be vested in a Council consisting of seven (7) members elected from single-member districts for four (4) year terms concurrent with that of the Mayor, one (1) from and by the qualified electors in each district.

B. A Council member who has served more than two and one-half (2 ½) terms in three (3) consecutive terms shall not be eligible to qualify as a candidate for Council member for the succeeding term.

C. A Council member shall be at least eighteen (18) years of age and a qualified elector of the district from which elected at the time of qualification.

D. A Council member shall have been legally domiciled and shall have actually resided for at least one (1) year in the City of Lafayette and six (6) months immediately preceding the time established by law for qualifying for office in an area which, at the time of qualification, is within the district from which elected.

E. A Council member shall continue to be legally domiciled and to actually reside within the district from which elected during the term of office. Should the legal domicile and/or actual residence of a Council member change from the district from which elected, unless changed by redistricting, the office shall automatically become vacant, which vacancy shall be filled as set out hereinafter.

### **Section 2-02. Redistricting.**

Following official publication of the federal census by the United States Bureau of the Census, the Council shall by ordinance, if necessary, alter, change or rearrange each Council district boundary so as to provide for population equality among the districts as near as reasonably practicable. Council districts shall be composed of contiguous territory and, to the extent possible, be compact. The redistricting shall be accomplished in the manner and within the time period, specified or prescribed by applicable law.

### **Section 2-03. Forfeiture of Office.**

A Council member shall forfeit the office if such member during the term of office: (1) lacks any qualification for the office prescribed by this Charter, or (2) is convicted of a state or federal felony.

### **Section 2-04. Vacancy in Council Office.**

A. The office of a Council member shall become vacant upon death, resignation, removal from office in any manner authorized by law, forfeiture of office, failure to take office, or as otherwise provided in this Charter.

B. When a vacancy occurs or when it becomes known that a vacancy will occur, the Council shall immediately solicit applications to fill the vacant seat from qualified electors of the district in which the vacancy exists.

C. Within forty-five (45) days from the time a vacancy occurs, the Council shall fill the vacant seat by the appointment of an elector meeting the qualifications for that office who has submitted an application for consideration as in Section 2-04B by the favorable vote of a majority of the remaining members of the Council. If no applicant receives the approval of a majority of the Council, additional applications shall be solicited.

D. If one (1) year or less of the unexpired term remains when the vacancy occurs, the appointee shall serve out the remainder of the term.

E. If the vacancy occurs more than one (1) year before the expiration of the term, the appointee shall serve until the office is filled by the vote of the qualified electors voting in an election called by the Council for that purpose and the person elected assumes the office. The Council, within forty-five (45) days after the vacancy occurs, shall call an election to fill the vacancy. The election shall be held according to the timetable and procedures established by state law for the filling of vacancies in elected local offices.

F. If the Council does not make an appointment as required by this Section within forty-five (45) days of the occurrence of the vacancy, the appointment shall be made by the Governor of the State of Louisiana. If an election is required and the Council fails to call the election within forty-five (45) days after the vacancy occurs, the Governor of the State of Louisiana shall call the election.

G. Notwithstanding anything contained herein to the contrary, if the unexpired term of office covered by this Section is one (1) year or more, but the vacancy occurs within one (1) year of the regular primary election for that office, no special election will be called and the appointee shall serve for the remainder of the term of office.

## **Section 2-05. Compensation.**

A. The annual salary of a Council member first serving under this Charter shall be \$14,000 per year. Council members shall be eligible for health and hospital insurance benefits which are available to employees of the City government. Council members participating in the health and hospital insurance program shall be liable for the full premium rate.

B. In addition to the salary set forth in the preceding Section, the Chair of the Council shall be paid an additional ten (10%) percent of the Council member's base salary.

C. Any ordinance increasing the salary or granting any other monetary compensation shall be effective upon commencement of the term of office of the next succeeding Council and must have been passed at least six (6) months prior to the commencement of that term. Such ordinance must be passed by a two-thirds (2/3) vote of the authorized membership of the Council. The increase in the salary of Council members for the next term of office cannot exceed the percentage increases granted to members of the City of Lafayette's municipal civil service system, excluding firefighters, since the last increase in Council salaries.

D. At the beginning of each term, the Council shall adopt a resolution setting forth the expense reimbursement policy of the Council. Thereafter, a Council member shall, upon presentation of properly documented receipts, be reimbursed for reasonable expenses necessary for conducting official business of the City, subject to budgetary appropriations for such purpose.

## **Section 2-06. Prohibitions.**

A. A Council member shall hold no other elected public office, nor be a compensated official or employee of the City during the term for which elected. No former Council member shall hold any compensated appointive City office or employment until one (1) year after the cessation of service on the Council. Nothing in this Section shall prohibit a Council member from serving as a member of a Charter Commission, constitutional convention or political party committee.

B. Except as specifically provided in this Charter, neither the Council nor any of its members shall remove, direct or supervise any administrative officers or employees whom the Mayor or any subordinates of the Mayor are empowered to appoint.

C. No Council member shall serve on a board or commission of the City having administrative or policy making authority unless the ordinance or state law creating such board or commission specifies that one (1) or more members of the Council shall serve on such board or commission.

## **Section 2-07. Council Meetings and Rules.**

A. The Council shall meet regularly at least twice a month at a minimum interval of at least one (1) week at such times and places as the Council may prescribe. Special meetings may be held on the written call of the Chair of the Council or a majority of the authorized membership of the Council with such notice as may be required by state law. To meet a public emergency affecting life, health, property or public safety, and to meet such other emergency situations as may be authorized now or hereafter by state law, the Council may meet upon call of the Mayor, the Chair of the Council or a majority of the authorized membership of the Council at whatever notice it shall be convenient to give. The call convening a special or emergency meeting of the Council shall state the objectives of the meeting. The power of the Council to act at a special or emergency meeting shall be limited, under penalty of nullity, to the objectives specifically enumerated in the call.

B. All meetings of the Council and its committees shall be open to the public in accordance with the provisions of general state law.

C. The Council shall determine, by resolution, its own rules and order of business, including rules regarding absences from meetings, and shall provide for keeping a record of its minutes and proceedings. All official actions of the Council shall be published in the official journal within seven (7) days of the action taken. In lieu of such recordation or publication, dissemination of official actions of the Council may be recorded or published in such other manner as might be permitted by applicable state law as same might be amended from time to time.

D. At all regular meetings of Council, the Council shall operate from an agenda which shall have been published at least two (2) days, excluding Saturdays, Sundays and holidays, prior to the meeting. The agenda for special or emergency meetings shall be made available to the public in accordance with applicable law.

E. The Council shall provide by resolution a procedure whereby interested persons shall be given an opportunity to be heard at Council meetings on any matter relating to City government.

F. At the first regular meeting of a newly elected Council and annually thereafter, a Chair and Vice-Chair shall be elected by the Council from among the Council members. The Chair shall preside at meetings of the Council, supervise or delegate supervision of Council employees, and carry out such other duties as the Council may authorize.

G. In the absence or disqualification of the Chair, the Vice-Chair shall preside. In the absence or disqualification of both the Chair and Vice-Chair, the Council shall designate one (1) of its other members as temporary Chair. The Chair, Vice-Chair and temporary Chair shall be voting members of the Council.

H. All voting shall be by roll call, and the ayes and nays shall be recorded in the minutes of the Council by the individual vote of each Council member. In its discretion, the Council may utilize electronic tally devices to the extent permitted by applicable law. Not less than a majority of the authorized membership of the Council shall constitute a quorum to transact business, but if a quorum is lost during a meeting, a smaller number may recess from time to time and compel the attendance of absent members in the manner and subject to the penalties prescribed by Council rules.

### **Section 2-08. Investigations.**

The Council may make investigations into the affairs of the City government and the related conduct of any City official, officer, employee, department, office, or agency. For this purpose, the Council may subpoena witnesses, administer oaths, take testimony and require the production of evidence. Investigations shall be for a specified purpose and may be undertaken only by the affirmative vote of a majority of the authorized membership of the Council. Any person who fails or refuses to obey any lawful order of the Council may be cited for contempt. No Council member shall vote on any matter under such investigation in which said Council member has a conflict of interest.

### **Section 2-09. Independent Audit.**

The Council shall provide for an annual independent post fiscal year audit of the accounts and other evidence of financial transactions of the City government, and such additional audits as it deems necessary of all City departments, offices or agencies. The Council shall designate an auditor or firm of auditors to make such audits. As long as the City of Lafayette provides combined accounting and administrative services to the City of Lafayette and to the Parish of Lafayette, the auditor or firm of auditors so designated by the Lafayette City Council shall also make such audits of the Parish of Lafayette. The cost of such audits shall be allocated between the City and the Parish. The auditor shall be without personal interest in the affairs subject to audit, and shall be a certified public accountant or firm of

such accountants. The audit shall be submitted to the Council at a regularly scheduled meeting and shall be a public record, and a summary thereof shall be published at least once in the official journal. The entire auditors' report and financial statements shall be posted on the Council's website within fourteen (14) days after the formal delivery of the report.

### **Section 2-10. Council Employees.**

A. The Council shall appoint a Clerk of the Council who shall serve at the pleasure of the Council. The Clerk shall give notice of Council meetings to its members and the public, keep the journal of its proceedings, be official secretary of the Council and perform such other duties as are assigned to the position by this Charter or by the Council.

B. The Council may, by ordinance, authorize the hiring of such other employees as may be necessary to assist the Council in carrying out its duties and responsibilities. Such employees shall serve at the pleasure of the Council.

C. The Council shall, by ordinance, fix the salaries of its employees.

### **Section 2-11. Action Requiring an Ordinance.**

A. An act of the City Council having the force of law shall be by ordinance. An act requiring an ordinance shall include but not be limited to those which:

- (1) Adopt or amend an administrative code.
- (2) Provide a fine or other penalty or establish a rule or regulation for violation of which a fine or other penalty may be imposed.
- (3) Levy taxes, assessments and charges.
- (4) Adopt the operating budget and multi-year capital improvement budget and appropriate funds for the City government.
- (5) Grant, renew or extend a franchise.
- (6) Provide for raising revenue.
- (7) Regulate the rate or other charges for service by the City government.
- (8) Authorize the borrowing of money, in any manner authorized by law.
- (9) Incur debt in any manner authorized by law.

- (10) Dispose of any immovable property owned by the City government.
- (11) Convey or lease or authorize the conveyance or lease of any immovable property of the City government.
- (12) Acquire immovable property on behalf of the City government.
- (13) Adopt or modify the official map.
- (14) Adopt or modify regulations for review and approval of plats.
- (15) Adopt or modify subdivision controls or regulations.
- (16) Adopt or modify the zoning plan, maps and regulations.
- (17) Amend or repeal any ordinance previously adopted.
- (18) Propose amendments to this Charter.

B. All ordinances shall be codified in accordance with Article VI, Section 10 of the Constitution.

C. Except as provided in Section 2-07, an act of the Council which is not to have the force of law may be enacted by resolution. A resolution may be used by the Council for purposes such as a formal expression or will of the Council; to authorize a person or persons to sign legal and financial documents for a project or purpose previously approved by ordinance; and as may be authorized by this Charter. The Mayor's veto authority shall not apply to resolutions.

D. All ordinances and resolutions shall be passed by the favorable vote of at least a majority of the authorized membership of the Council except as otherwise provided in this Charter.

## **Section 2-12. Ordinances in General.**

A. All proposed ordinances shall be introduced in writing at a meeting of the Council in the form required for adoption and, except for codifications, the operating budget and multi-year capital improvement budgets, shall be confined to one (1) subject expressed clearly in the title.

B. All proposed ordinances shall be read by title when introduced and published in the official journal by title within seven (7) days of introduction, except that ordinances proposing amendments to the Charter shall be published in full. Except as otherwise provided in Section 2-14, no ordinance shall be considered for final passage until at least two (2) weeks from date of introduction and after a public hearing has been held on the ordinance.

C. With the final approval of ordinances by the Mayor, or the Council in case of a veto by the Mayor, such enacted ordinances shall be published in full or in summary at the Council's discretion in the official

journal by the Clerk of the Council within seven (7) days after adoption. Every enacted ordinance, unless it shall specify another date, shall become effective at the expiration of ten (10) days after final adoption.

### **Section 2-13. Submission of Ordinances to the Mayor.**

A. Every ordinance adopted by the Council shall be signed by the Chair or the Clerk of the Council. The Clerk of the Council shall certify to its passage, and it shall be presented to the Mayor within three (3) days after adoption, excluding Saturdays, Sundays and holidays. The Clerk of the Council shall record upon the ordinance the date and hour of its delivery to the Mayor.

B. Within ten (10) days after the receipt of an ordinance by the Mayor, it shall be returned to the Clerk of the Council with the Mayor's approval or with the Mayor's veto. The Clerk shall record upon the ordinance the date and hour of its receipt from the Mayor. If the proposed ordinance is not signed or vetoed by the Mayor within ten (10) days after receipt, it shall be considered adopted. If the ordinance has been adopted, it shall be considered finally enacted and become effective as provided in Section 2-12. If the ordinance is vetoed, the Mayor shall submit to the Council through the Clerk a written statement of the reasons for the veto. The veto statement shall be published in full in the official journal by the Clerk as soon as practical thereafter. All ordinances vetoed by the Mayor shall be vetoed in full, except that the Mayor shall have authority to veto individual appropriation items in the ordinances adopting the operating and multi-year capital improvement budgets and amendments thereto.

C. Ordinances vetoed by the Mayor shall be submitted to the Council by the Clerk of the Council no later than the next regular meeting held after publication of the veto statement. Should the Council vote, not later than the second regular meeting held after receipt of the vetoed ordinance, to override the Mayor's veto of the ordinance by the favorable vote of at least two-thirds (2/3) of its authorized membership, said ordinance shall be considered finally enacted in accordance with the Section on Ordinances in General and become law irrespective of the veto by the Mayor. The procedure for overriding vetoed ordinances shall apply to individual appropriation items in the operating and multi-year capital improvement budgets vetoed by the Mayor.

D. The right of the Mayor to veto as provided in this Section shall apply to all ordinances adopted by the Council except ordinances for: plans for redistricting; amendments to this Charter; establishing, altering or

modifying Council procedure; appropriating funds for auditing or investigating any part of the executive branch; and as may be elsewhere provided by this Charter.

#### **Section 2-14. Emergency Ordinances.**

A. To meet a public emergency affecting life, health, property or public safety, and to meet such other emergency situations as may be authorized now or hereafter by state law, the Council may adopt an emergency ordinance at the meeting at which it is introduced, provided that no such ordinance may be used to levy taxes or special assessments; grant or extend a franchise; incur debt, except as provided in Section 5-04B; adopt or amend an official map, platting or subdivision controls or zoning regulations; or change rates, fees or charges adopted by the City government. Each emergency ordinance shall contain a specific statement describing the emergency. After adoption, the ordinance shall be printed and published as prescribed for other approved ordinances.

B. Notwithstanding the provisions of the Section on Submission of Ordinances to the Mayor, any emergency ordinance adopted by the Council shall be presented to the Mayor within six (6) hours after adoption. Within twelve (12) hours after the Mayor's receipt of an emergency ordinance, it shall be returned to the Council with the Mayor's approval, or with the Mayor's veto. If the proposed ordinance is not signed or vetoed by the Mayor within twelve (12) hours after receipt, it shall be considered adopted. If the emergency ordinance has been adopted, it shall become effective immediately. If the emergency ordinance is vetoed, the Mayor shall submit to the Council a written statement of the reasons for the veto. The Clerk shall record upon the emergency ordinance the dates and hours of its delivery to and receipt from the Mayor. Should the Council vote, not later than twelve (12) hours after receipt of the vetoed emergency ordinance from the Mayor, to readopt the emergency ordinance by the favorable vote of at least two-thirds (2/3) of its authorized membership, said emergency ordinance shall be considered finally adopted and become law immediately upon readoption, irrespective of the veto by the Mayor. Upon final approval by the Mayor, or the Council in case of a veto, such adopted emergency ordinance shall be published by title in the official journal as soon as practical thereafter.

C. Emergency ordinances shall be effective for no longer than thirty (30) consecutive days after final adoption, except that the Council, by the favorable vote of two-thirds (2/3) vote of its authorized membership,

may extend the life of the emergency ordinance for a period not to exceed an additional thirty (30) consecutive days.

### **Section 2-15. Codes of Technical Regulations.**

The Council, by ordinance, may adopt any standard code of technical regulations, or part thereof, by reference. The procedure and requirements governing the adopting of such codes shall be as prescribed for ordinances generally, except that a period of sixty (60) days shall be allowed between the time of introduction and adoption of the ordinance. During this interim, copies of any proposed code shall be available for public review. A copy of each adopted code of technical regulations as well as the adopting ordinance shall be authenticated and recorded by the Clerk of the Council in the official records of the City government. Such adopted codes of technical regulations shall be published by title or by reference in the official journal by the Clerk as soon as practical following such final adoption.

### **Section 2-16. Authentication and Recording of Ordinances and Resolutions; Printing and Distribution.**

A. All finally enacted ordinances and resolutions shall be authenticated, numbered and recorded by the Clerk of the Council. All ordinances shall be indexed and codified in a book or books kept for this purpose. All resolutions shall be indexed and recorded in the minutes of the Council meeting at which the resolution was approved.

B. The Council shall cause each ordinance and each amendment to this Charter to be printed or otherwise reproduced promptly following enactment. Such printed or reproduced amendments and ordinances, including codes of technical regulations adopted by reference pursuant to the Section on Codes of Technical Regulations, shall be available in the office of the Clerk of the Council for review by any citizen. Other copies may be distributed to the public at no cost or sold to the public at cost.

### **Section 2-17. Power to Levy Taxes.**

A. The power to perform any service or provide any facility granted to the City government by this Charter or by the Constitution and general laws of the state shall in all cases carry with it the power to levy taxes and to borrow money within the limits and in accordance with procedures prescribed by the Constitution and general laws of the state. The

Council shall have and is hereby granted all of the authority to levy and collect taxes, to incur debt, and to issue bonds and other evidences of indebtedness, as is now or hereafter conferred on governing authorities of local governments by the Constitution and general laws of the state, or as may be hereafter specially conferred by the electors of the City of Lafayette.

B. Any tax being levied by the City of Lafayette on the effective date of this Charter is ratified.

C. All proposals to levy property taxes in excess of that which the Constitution authorizes to be levied without a vote of the people shall be submitted to the voters for approval in accordance with the election laws of the state.

D. All proposals to renew, levy a new or increase an existing sales and use tax shall be submitted to the voters for approval as required by the election laws of the state.

## **Section 2-18. Powers of Enforcement.**

For the purpose of carrying out the powers generally or specially conferred on the City government, the Council shall have the power to grant franchises, to require licenses and permits and fix the fees to be paid therefor, to charge compensation for any privilege or franchise granted or service rendered, and to provide penalties for the violation of any ordinance or regulation, as provided by law.

# **ARTICLE III. EXECUTIVE BRANCH**

## **Section 3-01. Executive Authority.**

The Mayor shall be the Chief Executive Officer of the City and shall exercise general executive and administrative authority over all departments, offices and agencies of the City, except as otherwise provided by this Charter.

## **Section 3-02. Election.**

The Mayor shall be elected at large by the qualified voters of the City of Lafayette according to the election laws of the state for a four (4) year term. A person who has served as Mayor for more than two and one-half (2

½) terms in three (3) consecutive terms shall not be eligible to qualify as a candidate for Mayor for the succeeding term.

### **Section 3-03. Qualifications.**

A. The Mayor shall be at least eighteen (18) years of age and a qualified elector of the City of Lafayette at the time of qualification and shall have been legally domiciled and shall have actually resided within the City of Lafayette for at least one (1) year immediately preceding the time established by law for qualifying for office.

B. The Mayor shall continue to be legally domiciled and to actually reside within the City of Lafayette during the term of office. Should the legal domicile and/or actual residence of the Mayor change from the City of Lafayette, the office shall automatically become vacant, which vacancy shall be filled as set out hereinafter.

### **Section 3-04. Forfeiture of Office.**

The office of Mayor shall be forfeited if, during the term of office, the officeholder: (1) lacks at any time any qualification for the office prescribed by this Charter, or (2) is convicted of a felony under state or federal law.

### **Section 3-05. Vacancy in Office of Mayor.**

A. The office of Mayor shall become vacant upon death, resignation, removal from office in any manner authorized by law, forfeiture of office, failure to take office, or as otherwise provided in this Charter.

B. A vacancy in the office of Mayor shall be filled by appointment of a person meeting the qualifications for the office by a majority vote of the authorized membership of the Council.

C. If one (1) year or less of the unexpired term remains when the vacancy occurs, the acting Mayor shall serve for the remainder of the term.

D. If the vacancy occurs more than one (1) year before the expiration of the term, the acting Mayor shall serve until such time as the office is filled by the vote of the qualified electors voting in an election called by the Council for that purpose and the person elected assumes office. The Council, within fifteen (15) days after the vacancy occurs, shall call an election to fill the vacancy. The election shall be held according to the timetable and procedures established by state law for the filling of vacancies in elected local offices.

E. If an election is required and the Council fails to call the election within fifteen (15) days after the vacancy occurs, the Governor of the State of Louisiana shall call the election.

F. Notwithstanding anything contained herein to the contrary, if the unexpired term of office covered by this Section is one (1) year or more, but the vacancy occurs within one (1) year of the regular primary election for that office, no special election will be called and the appointee shall serve for the remainder of the term of office.

G. If a member of the Council is appointed to fill the vacancy in the office of the Mayor, the seat of the Council member shall become vacant and shall be filled in accordance with Section 2-04. The person appointed to fill the Council seat of the acting Mayor shall serve in that position only until such time as the Mayor is elected and assumes office. At that time, the acting Mayor shall return to the Council, if there remains any term in the office of the Council member.

H. The acting Mayor shall receive the same compensation as the Mayor while serving in that capacity, but shall not receive any salary as a Council member.

### **Section 3-06. Mayor's Temporary Absence.**

A. Whenever the Mayor is absent from and/or unable to communicate with the City government, the powers and duties of the office of Mayor shall be exercised by the Chief Administrative Officer for a period not to exceed fifteen (15) consecutive days. The Chair of the Council shall assume the powers and duties of the office of the Mayor in the absence of the Chief Administrative Officer and on the sixteenth (16<sup>th</sup>) day of the absence or inability to communicate by the Mayor and shall serve in that capacity until the return of the Mayor or restoration of communication. In the absence or inability of the Chair to serve as acting Mayor, the office shall be filled by the Vice-Chair or, in his absence or inability to serve, by a member of the Council selected by the Council. When serving as acting Mayor, the Council member shall not have a vote on the Council or participate in Council activities.

B. If a temporary absence and/or lack of communication of the Mayor extend to more than sixty (60) consecutive days, the office shall become vacant and shall be filled in accordance with Section 3-05.

### **Section 3-07. Compensation.**

A. The salary of the Mayor first serving under this Charter shall be the same as the salary of the Sheriff of Lafayette Parish (as established by the State Legislature) on the date this Charter becomes effective.

B. Any ordinance increasing the salary of the Mayor or granting any other monetary compensation shall be effective only after the next regular election and must have been passed at least six (6) months prior to that election. Such ordinance must be passed by a two-thirds (2/3) majority of the Council. The increase in the salary of the Mayor for the next term of office cannot exceed the percentage increases granted to members of the City of Lafayette's municipal civil service system, excluding firefighters, since the last increase in the Mayor's salary.

C. The Mayor shall be eligible for health and hospital insurance and retirement benefits which are available to employees of the City government.

D. The Mayor shall, upon presentation of properly documented receipts, be reimbursed for reasonable expenses incurred in carrying out the official duties of the office.

### **Section 3-08. Powers and Duties of the Mayor.**

A. The Mayor, as chief executive officer of the City of Lafayette government, shall have the power and duty to:

- (1) See that all laws, provisions of this Charter and acts of the Council, subject to the Mayor's direction and supervision, are faithfully executed.
- (2) Appoint and suspend or remove any City government employees and appointive administrative officers provided for by or under this Charter, except as otherwise provided by this Charter or other personnel rules adopted pursuant to this Charter. The Mayor may authorize any administrative officer who is subject to the Mayor's direction and supervision to exercise these powers with respect to subordinates in such officer's department, office or agency.
- (3) Direct and supervise the administration of all departments, offices and agencies of the City government, except as otherwise provided by this Charter.

- (4) Prepare and submit the annual operating budget and multi-year capital improvement budget to the Council.
- (5) Sign, or authorize any other person to sign, contracts for projects, equipment, non-professional services and materials and supplies for which funds have been appropriated in the approved operating and capital improvement budgets or as specifically identified by ordinance. Contracts for projects, equipment, nonprofessional services or materials and supplies for which funds have not been appropriated shall be submitted to the Council for approval.
- (6) Sign contracts for professional services only after receiving recommendations from a professional services review committee created by ordinance. The committee shall consist of not more than five (5) members, two (2) to be appointed by the Mayor and three (3) to be appointed by the Council.
- (7) Submit to the Council and make available to the public, within one hundred eighty (180) days after the end of the fiscal year, a complete report on the finances and administrative activities of the City government as of the end of each fiscal year.
- (8) Make such other reports as the Council may reasonably request to enable the Council to conduct its functions.
- (9) The Mayor or designee shall attend all meetings of the Council and keep the Council fully advised as to the financial condition and future needs of the City government and make such recommendations to the Council concerning the affairs of the City government as deemed desirable.
- (10) Perform such other duties as are specified in this Charter or may be required by the Council, not inconsistent with this Charter.

### **Section 3-09. Prohibitions.**

A. The Mayor shall be a full-time official and shall hold no other elected public nor any compensated appointive City or Parish office or employment during the term of office for which elected and, except for the salary as an elected official, shall hold no compensated appointive City or Parish office or employment until one (1) year after cessation of service as Mayor. The Mayor shall not engage in any activity unrelated to City government business that would interfere with or detract from the performance of duties as Mayor.

B. Nothing in this Section shall prohibit the Mayor from serving as an elected member of a political party committee, Charter Commission or constitutional convention, except as otherwise provided in this Charter.

C. These provisions shall not apply to a Council member serving as acting Mayor.

### **Section 3-10. Disability of Mayor.**

A. Disability of the Mayor may be determined either by action of the Mayor or by action of the Council as follows:

- (1) Whenever the Mayor transmits to the Clerk of the Council a written declaration stating inability to discharge the powers and duties of the office, and until the Mayor transmits to the Clerk of the Council a written declaration to the contrary, the office of Mayor shall be filled in the same manner as set forth in Section 3-06.
- (2) Whenever a majority of a panel of three (3) qualified medical experts, designated by resolution adopted by the favorable vote of at least a majority of the authorized membership of the Council, transmits to the Clerk of the Council its written declaration that the Mayor is unable to discharge the powers and duties of the office, the office of Mayor shall be filled in the same manner as set forth in Section 3-06. The person filling the office shall serve until a panel of three (3) qualified medical experts, designated by resolution adopted by the favorable vote of at least a majority of the authorized membership of the Council, transmits to the Clerk of the Council its unanimous written declaration that the Mayor's disability has ended. The medical experts shall review the Mayor's disability at least once every three (3) months until such time as it has been determined that the disability has ended by a unanimous vote of the three (3) medical experts.

B. Should the Mayor, due to disability, be unable to discharge the powers and duties of the office for a period exceeding six (6) consecutive months, the Council shall have the authority upon the favorable vote of at least a majority of its authorized membership to declare the office of Mayor vacant due to disability with no option to extend the term beyond that time and such vacancy shall be filled in accordance with Section 3-05. Provided, however, that the Council shall hold a public hearing on the issue before any such action.

C. The acting Mayor shall receive the same compensation as the Mayor while serving during the disability period.

D. If a member of the Council is appointed as acting Mayor, the acting Mayor shall not have a vote on the Council or participate in Council activities. During the absence of the acting Mayor from the Council, the remaining members of the Council shall, by majority vote, appoint a person meeting the qualifications for that office to serve until such time as the acting Mayor returns to the Council.

E. If an election for Council members occurs during the time one (1) of its members is serving as acting Mayor, the Council member serving as acting Mayor shall be eligible to seek election to the Council from the district for which the member is qualified, if permitted to do so under Section 2-01B. The person appointed to serve on the Council in the place of the Council member serving as acting Mayor shall not be eligible to be a candidate for that Council position at that election.

## **ARTICLE IV. ADMINISTRATION**

### **Section 4-01. General Provisions.**

A. The City shall provide to or for the benefit of the citizens within its corporate limits, as same may be amended from time to time, all those governmental services normally provided by a municipality under the laws of the State, including, but not limited to: administration and finance, public works, traffic and transportation services, planning and zoning and code enforcement, parks and recreation, police and fire protection, garbage collection and any other services as may be required by the citizens of the City. The City will also operate a utilities system to provide water and waste water services, electricity and telecommunications services to the citizens of the City. This list is not intended to be all inclusive and may change from time to time as permitted or dictated by state law or changing conditions in the City.

B. Except as provided in the last sentence hereof, the City may also provide, subject to reimbursement of associated costs from Parish of Lafayette funds, certain supervisory and operational services to the Parish of Lafayette, including, but not limited to, administration and finance, public works, traffic and transportation services, planning and land use and code enforcement, parks and recreation and other services requested by the Parish of Lafayette. No such services shall be provided unless and until an appropriate intergovernmental agreement is executed by and between the

City of Lafayette and the Parish of Lafayette, which agreement will, among other things, address the allocation and payment of costs associated with the provision of such services as provided in Subsection C of this Section. Nothing contained in this Section shall require the City to provide any governmental program, function, or service which, pursuant to state or other applicable law, is the sole responsibility of the Parish of Lafayette.

C. In order to properly and equitably allocate to the Parish of Lafayette a share of the costs associated with the provision of services referred to in Section 4-01B, the Mayor of the City shall cause to be conducted at least every three (3) years a study to develop a cost allocation plan which will identify the various costs incurred by the Parish of Lafayette to support the City, as well as costs incurred by the City to support the Parish of Lafayette, including the costs of shared capital/equipment assets. The plan will allow both the City and the Parish of Lafayette to determine and equitably assess the costs of services provided to one another. The allocation of costs determined by that study, including the cost of said study, shall be used as the basis for billing the Parish of Lafayette for shared costs until such time as the next study is performed.

#### **Section 4-02. Organization.**

A. Within thirty (30) days of the commencement of the first term of office under this Charter, the Mayor shall present to the Council a proposed plan of organization, including a summary of the duties and responsibilities assigned to each department, office or agency of City government.

B. Thereafter, the Mayor may propose to the Council the creation, change, alteration, consolidation or abolition of City of Lafayette departments, offices and agencies and/or the reallocation of the functions, powers, duties and responsibilities of such departments, offices or agencies.

C. Upon receipt of the Mayor's proposed plan of organization or reorganization, the Chair of the Council shall cause to be introduced an ordinance to implement the proposed organization or reorganization plan. The ordinance shall follow the same procedure as provided in Section 2-12.

D. The organization or reorganization plan submitted by the Mayor shall become effective if the Council fails to act on the proposed organization or reorganization within sixty (60) days of its submission to the Council.

E. Except as otherwise provided by this Charter, all departments, offices and agencies shall be under the direction and supervision of the

Mayor. The directors of all departments created to conduct the affairs of the City shall be appointed by the Mayor and shall serve at the pleasure of the Mayor, except as otherwise provided by this Charter. The director of the police department shall be the chief of police who shall be appointed by the Mayor in accordance with applicable state police civil service law. The director of the fire department shall be the fire chief who shall be appointed by the Mayor in accordance with applicable state fire civil service law.

F. The compensation of the directors of the departments appointed by the Mayor shall be set by the Mayor.

#### **Section 4-03. Chief Administrative Officer.**

The chief administrative officer shall, subject to the direction of the Mayor, supervise all departments, offices and agencies of the City government under the direction and supervision of the Mayor except the legal department, and perform such other functions as may be directed by the Mayor.

#### **Section 4-04. Legal Department.**

A. The director of the Legal Department shall be the City attorney who shall be appointed by the Mayor. Such appointment shall be subject to approval by a majority of the authorized membership of the Council.

B. The City attorney shall be an attorney licensed to practice in the courts of Louisiana, shall have at least five (5) years continuous practice of law and shall be a resident of the City of Lafayette for at least two (2) years prior to the date of appointment.

C. The City attorney shall serve as chief legal advisor to the Mayor, Council and all departments, offices and agencies; represent the City in all legal proceedings; and perform other duties prescribed by this Charter or by ordinance.

D. Assistant City attorney positions shall be authorized by the Council. The assistant City attorneys shall be appointed by and serve at the pleasure of the City attorney. One or more assistant attorneys will be designated City Prosecutor and will represent the City of Lafayette in cases being prosecuted by the City or its representatives in City Court.

E. No special legal counsel shall be retained by the City except by written contract for a specific purpose approved by the favorable vote of a majority of the authorized membership of the Council. Such authorization shall specify the compensation, if any, to be paid for such services.

#### **Section 4-05. Civil Service System.**

A. It shall be the policy of the City to employ those persons best qualified to perform the functions of the City government and to foster effective career service in City government. All appointments and promotions in the service of the City and of each of its departments, offices and agencies shall be made on the basis of merit and fitness, which shall be determined, insofar as practicable, by competitive test, except that the following shall not be subject to the provisions of this Section.

- (1) All elected officials.
- (2) All department heads except the civil service director.
- (3) Any other employees subject to other civil service systems.
- (4) Members of advisory boards, administrative boards and other unpaid bodies who are not City employees.
- (5) Organizations and their employees and other persons who are employed by the City on a contractual basis.
- (6) City attorney and legal assistants.
- (7) Executive secretary to the Mayor and any administrative assistants to the Mayor.
- (8) Chief administrative officer and executive secretary to the chief administrative officer.
- (9) Part-time or temporary employees.
- (10) Employees appointed directly by the Council.

B. The appointment and dismissal of City employees subject to this Section shall be by the Mayor, or designee, in accordance with the provisions of this Section.

C. There shall be a civil service department, which shall receive annual funding for salaries, administrative expenses, office space, furnishings and equipment in order to carry out the department's function as provided by this Charter. It shall consist of a classified civil service director, who shall be the executive head of the department, staff personnel and a civil service board, which shall be policymaking and quasi-judicial in nature.

D. The civil service board shall consist of five (5) members who are electors of the City of Lafayette who hold no other public office or position in the City government and who have resided within the City of Lafayette for at least two (2) years. Members of the board shall serve without compensation.

E. No employee of the City government shall be eligible for appointment to the civil service board.

F. The first members shall be appointed for terms of one (1), two (2), three (3), four (4) and five (5) years as determined by the City Council. Thereafter, appointments shall be for four (4) year terms.

G. The members of the board shall be appointed as follows:

- a. One member shall be appointed by the Mayor of the City of Lafayette.
- b. One member shall be elected by members of the classified civil service system in an election called for the purpose of determining the board appointee. Applicants for such position shall be retired members of the municipal civil service system. The candidate receiving the most votes shall become a board member and serve a four (4) year term.
- c. One member shall be appointed by the City Council and shall be a member of the minority community.
- d. One member shall be appointed by the City Council from a list of three (3) nominees submitted by the President of the University of Louisiana at Lafayette.
- e. One member shall be appointed by the City Council from a list of three (3) nominees submitted by the Lafayette Bar Association.

H. Whenever the term of a board member expires or there is a vacancy in an unexpired term, the vacancy shall be filled in accordance with the procedures of the original appointment, and from the same source.

I. A member of the civil service board may be removed by the Council for cause after being served with written specifications of the charges and being afforded an opportunity for a public hearing thereon by the Council.

J. The civil service director shall be appointed by the civil service board. The civil service director shall be qualified and experienced in personnel administration and shall be responsible to the board for the administration of the classified civil service system for the City, including all City departments, offices, and agencies in accordance with civil service rules adopted pursuant to this Section.

## **ARTICLE V. FINANCIAL PROCEDURES**

### **Section 5-01. Fiscal Year.**

The fiscal year of the City shall be November 1 through October 31, subject to change by ordinance by the Council.

### **Section 5-02. Operating Budget Preparation and Adoption.**

A. At least ninety (90) days prior to the beginning of each fiscal year, the Mayor shall submit to the Council a proposed operating budget in the form required by this Charter. At the meeting of the Council at which the operating budget is submitted, the Council shall order a public hearing and shall cause to be published in the official journal, at least ten (10) days prior to the date of such hearing, the time and place thereof, a general summary of the proposed budget and the times and places where copies of the proposed budget are available for public inspection. A copy of the proposed budget shall also be posted on the Council's website. At the time and place so advertised, the Council shall hold a public hearing on the budget as submitted. Changes in the proposed operating budget by the Council shall be by the favorable vote of at least a majority of the authorized membership of the Council. The budget shall be finally adopted not later than thirty (30) days before the beginning of the fiscal year. Upon final adoption, the budget shall be in effect for the budget year and copies shall be filed with the Clerk of the Council and posted on the Council's website. The budget as finally adopted shall be reproduced and sufficient copies shall be made available for use by all offices, departments and agencies of the City. Copies shall be available for public use in the main branch of the public library and in the office of the Clerk of the Council. Additional copies may be purchased at cost.

B. Upon failure of the Council to adopt a budget before the end of the current fiscal year, the budget for the current fiscal year shall continue in effect for no more than six (6) months into the next fiscal year and expenditures shall be limited to no more than fifty (50%) percent of the amount appropriated for the current fiscal year.

### **Section 5-03. The Operating Budget Document.**

The operating budget for the City shall present a complete financial plan for the ensuing fiscal year and shall consist of at least three (3) parts as follows:

Part I shall contain: (1) a budget message, prepared by the Mayor, which shall outline the proposed fiscal plan for the City and describe significant features of the budget for the forthcoming fiscal period; and (2) a general budget summary which, with supporting schedules, shall show the relationship between total proposed expenditures and total anticipated available funds for the forthcoming fiscal period and which shall compare these figures with corresponding actual figures for the last completed fiscal year and estimated figures for the year in progress.

Part II shall contain: (1) detailed estimates of all proposed expenditures, showing the corresponding estimated expenditures for each item for the current fiscal year and actual figures for the last preceding fiscal year; (2) manning or organizational tables for each of the departments, agencies or programs; (3) detailed estimates of all anticipated revenues and other sources of funding, showing the corresponding estimated revenue or funding source for each item for the current fiscal year and actual figures of the last preceding fiscal year; (4) statement of the indebtedness of the City, showing debt redemption and interest requirements, debt authorized and unissued, and conditions of the sinking funds; and (5) such other information as may be requested by the Council. The total of proposed expenditures shall not exceed the total of estimated revenues and other funds legally available for expenditure.

Part III shall contain a proposed complete draft of the appropriation ordinance. All appropriations shall be by department and/or programs.

### **Section 5-04. Amendments to Operating Budget.**

A. Supplemental Appropriations: If during the fiscal year the Mayor certifies that there are available for appropriation funds in excess of those estimated in the operating budget, the Mayor may present a supplement to the budget for the disposition of such funds, and the Council, by ordinance, may make supplemental appropriations for the year up to the amount of such excess in the same manner required for adoption of the budget.

B. Emergency Appropriations: To meet a public emergency affecting life, health, property or the public peace, and to meet such other

emergency situations as may be authorized now or hereafter by state law, the Council may make emergency appropriations. Such appropriations shall be made by emergency ordinance in accordance with the provisions of this Charter. To the extent that there are no available unappropriated funds to meet such appropriations, the Council may by such emergency ordinance borrow money in sums necessary to meet the emergency. The repayment of such sums shall be a fixed charge upon the revenues of the fiscal year following the fiscal year in which the sums are borrowed.

C. Reduction of Appropriations: If at any time during the fiscal year it appears to the Mayor that the funds available will be insufficient to meet the amount appropriated, the Mayor shall report to the Council without delay, indicating the estimated amount of the deficit, any remedial action taken and recommendations as to any other steps to be taken. The Council shall then take such further action as it deems necessary to prevent a deficit.

D. Subject to the limitations in Subsection F of this Section, the Council may, by ordinance, reduce any appropriation at any time.

E. Transfer of Appropriations: At any time during the fiscal year, the Mayor may transfer part or all of any unencumbered appropriation balance among programs within a department, office or agency, except that no transfer shall be made to or from the salary account unless approved by the Council by ordinance. An unencumbered appropriation balance may be transferred from one (1) department, office or agency to another only upon Council action by ordinance.

F. Limitations: No appropriation for debt service may be reduced or transferred, and no appropriation may be reduced below any amount required by law to be appropriated.

G. The emergency appropriations and reduction of appropriations authorized by this Section may be made effective immediately upon adoption.

## **Section 5-05. Multi-Year Capital Improvement Budget.**

A. Each year, no later than the time of submission of the operating budget for the ensuing fiscal year, the Mayor shall prepare and submit to the Council a multi-year capital improvement budget covering a period of at least five (5) years which shall indicate major construction/acquisition projects and the source of funding therefor. Such projects may be funded from unrestricted revenue sources or from revenue sources restricted to capital expenditures. The amount indicated to be spent during the first (1<sup>st</sup>) year of the capital improvement budget shall be reflected in the

department/fund/program from which the expenditure will be made and will be a part of that department/fund/programs' budget for that year.

B. The multi-year capital improvement budget shall include:

- (1) A clear general summary of its contents.
- (2) A list of all major construction and acquisition projects which are proposed to be undertaken for at least the five (5) fiscal years next ensuing.
- (3) Cost estimates, method of financing and the anticipated fiscal year in which each such improvement or acquisition will be constructed or acquired.
- (4) The estimated annual cost of operating and maintaining the capital improvement to be constructed or acquired.

C. At the meeting of the Council at which the multi-year capital improvement budget is submitted, the Council shall order a public hearing on such capital improvement budget and shall cause to be published in the official journal, at least ten (10) days prior to the date of such hearing, the time and place thereof, a general summary of the proposed capital improvement budget and the times and places where copies of the proposed capital improvement budget are available for public inspection. A copy of the proposed budget shall also be posted on the Council's website. At the time and place so advertised, the Council shall hold a public hearing on the capital improvement budget as submitted. Changes in the proposed capital improvement budget by the Council shall be by the favorable vote of at least a majority of the authorized membership of the Council. The capital improvement budget shall be finally adopted not later than thirty (30) days before the beginning of the fiscal year. The capital improvement budget as finally adopted shall be reproduced and sufficient copies shall be made available for use by all offices, departments and agencies of the City government. Copies shall be available for public use in the main branch of the public library and in the office of the Clerk of the Council and posted on the Council's website. Additional copies may be purchased at cost.

D. Amendments to the finally adopted multi-year capital improvement budget shall be by ordinance in accordance with provisions of this Charter relative to ordinances. The information shall be revised and extended each year with regard to capital improvements still pending or in the process of construction or acquisition.

**Section 5-06. Administration of the Budget.**

A. No payment shall be made or obligation incurred against any allotment or appropriation except in accordance with the approved budget and appropriations duly made and unless the Mayor or the Mayor's designee first certifies that there is a sufficient unencumbered balance in such allotment or appropriation and that sufficient funds therefrom are or will be available to cover the claim or meet the obligation when it becomes due and payable. However, this provision shall not limit the authority to borrow funds in anticipation of revenues as provided in the general laws of the state. Any authorization of payment or incurring of obligation in violation of the provisions of this Charter shall be void and any payment so made illegal. Such action shall be cause for removal of any official, officer or employee who knowingly authorized or made such payment or incurred such obligation or who caused such payment to be authorized or made or obligation to be incurred. Such persons shall also be liable to the City for any amount so paid.

B. Nothing in this Charter shall be construed to prevent passage of any ordinance making or authorizing of payments or contracts for capital improvements to be financed wholly or partly by the issuance of bonds or to prevent the making of any contract or lease providing for payments beyond the end of the fiscal year. Contracts for services not covered by the public bid law shall be for a period not to exceed the term for which the Council members and Mayor are elected.

C. Deficit spending is prohibited except for emergencies as provided in Section 5-04.

**Section 5-07. Lapse of Appropriations.**

Every appropriation, except an appropriation for a capital expenditure, shall lapse at the close of the fiscal year to the extent that it has not been expended or encumbered. An appropriation for a capital expenditure shall continue in force until the purpose for which it was made has been accomplished or abandoned; the purpose of any such appropriations shall be deemed abandoned if three (3) years pass without any disbursement from or encumbrance of the appropriation.

### **Section 5-08. Bonded Debt.**

The City is empowered to incur bonded debt in accordance with this Charter and the Constitution and general laws of the state. When voter approval is required, no resolution shall be passed calling for a referendum to incur a bonded debt until an engineering and economic feasibility report shall have been made to the Council and a summary thereof published in the official journal at least sixty (60) days prior to the proposed date of the election, unless the Council is required to call such an election pursuant to a petition as provided for under the general laws of this state.

### **Section 5-09. Facsimile Signatures.**

Facsimile signatures or other forms of signatures as may be authorized by state law, including electronic signatures, are authorized for negotiable instruments and multiple certificates of indebtedness and for any other documents where an official is required by law to sign.

## **ARTICLE VI. INITIATIVE, REFERENDUM, RECALL AND REMOVAL BY SUIT**

### **Section 6-01. Initiative and Referendum.**

The electors of the City shall have the power, except as herein restricted, to propose to the Council passage, amendment or repeal of ordinances and to vote on the question if the Council refuses action. This power shall not extend to the proposing or repealing of ordinances making or reducing the appropriation of money or to changing the salaries of the government's officers or employees. This power may be exercised to authorize the repeal or reduction of the levy of any taxes that are not mandated by state law or for retirement of bonds or any other outstanding indebtedness, except that such a repeal or reduction or change must be approved by the voters at least ninety (90) days prior to the end of a fiscal year and shall not become effective until the next fiscal year. The initiative power shall be exercised in the following manner:

- (1) The person or persons proposing the exercise of this power shall submit the proposal to the Council which shall specify within thirty (30) days a form of petition for circulation in one

- (1) or multiple copies as the proposer may desire. The petition shall contain the full text of the proposed ordinance.
- (2) Within one hundred twenty (120) days after the form of the petition shall have been specified, the person or persons circulating the petition shall obtain the signatures of at least fifteen (15%) percent of the total registered voters of the City of Lafayette if the petition addresses a matter which has not been considered by the Council or at least ten (10%) percent of the total registered voters of the City of Lafayette if the petition addresses a matter that has previously been presented to the Council for action. There shall be noted after each signature on the petition the date signed and the address of the signer. Each person circulating a copy of the petition shall attach a sworn affidavit to it stating the number of signers and the fact that each signature was made in the presence of the circulator of the petition.
- (3) The signed petition(s) shall be filed with the Council within one hundred twenty (120) days of the specification of the form of the petition and, upon filing, the Council shall order a canvass of the signatures through the Office of the Parish Registrar of Voters to determine their sufficiency and authenticity. The Council's canvass shall be completed within thirty (30) days. If the number of signatures is insufficient or the petition is deficient as to form or compliance with this Section, the Council shall notify the person or persons filing the petition of such sufficiency or deficiency and allow thirty (30) days for filing of additional papers, at the end of which time the sufficiency and correctness of the petition(s) shall be determined finally.
- (4) Within thirty (30) days after a petition shall have been certified as sufficient and correct by the Council, the Council shall cause the proposed ordinance and a summary thereof to be published in the official journal of the City at least once together with a notice of the date, time and place when and where it will be given a public hearing and be considered for passage. Notice shall appear at least seven (7) days prior to the time advertised for the hearing. At the time and place so advertised, the Council shall hold a public hearing. Subsequent to such hearing the Council shall either:

- a. Adopt the proposed ordinance submitted in an initiative petition without substantive amendments or effect the repeal referred to by such petition; or
  - b. Determine to submit the proposal to the electors. Proposals to repeal or reduce any taxes must be submitted to the electors for approval and cannot be adopted by the Council by its own actions.
- (5) If the Council adopts an ordinance following the submission of an initiatory petition as provided above, it shall not amend or repeal the ordinance by its own action within one (1) year following the date of submission of the petition proposing the ordinance, but it may submit proposals amending or repealing such ordinances to a vote of the electors. After the expiration of one (1) year, the ordinance may be amended or repealed as any other ordinance.
- (6) If an initiative ordinance is submitted to a vote of the electors as provided above, the election shall take place at the next regularly scheduled election or at a special election specified in the petition, provided that the petition is signed by an additional five (5%) percent of the total registered voters of the City of Lafayette. The results shall be determined by a majority vote of the electors voting on the proposal.
- (7) If a majority of the qualified electors voting on a proposed initiative ordinance vote in its favor, it shall be considered adopted upon certification of the election results. If conflicting ordinances are approved at the same election, the one receiving the greatest number of affirmative votes shall prevail to the extent of such conflict.
- (8) An ordinance adopted by the electorate through the initiative process shall not be amended or repealed by Council action for a period of one (1) year after the election at which it was adopted, but it may be amended or repealed any time by a vote of the electorate. After one (1) year, such ordinance may be amended or repealed in the same manner as any other ordinance.
- (9) Ordinances adopted through the initiative process shall not be subject to veto by the Mayor.

### **Section 6-02. Recall.**

A. Any elected official of the City may be removed from office by the electors of the City of Lafayette through a recall process. The recall procedure shall be the same as is provided in the general laws of the state, except that the number of registered voters required to commence the recall process shall be twenty-five (25%) percent of the registered voters in the area from which the official is elected.

B. If, in a recall election, the majority of those voting vote for recall, the official named in the recall petition shall be removed ipso facto from office, and the vacancy thereby created shall be filled as in the case of ordinary vacancies in accordance with this Charter. The person recalled shall not be eligible for appointment to fill the vacant position.

### **Section 6-03. Removal by Suit.**

Any elected official of the City may be removed from office by court suit as provided for in the Constitution and general laws of the state.

## **ARTICLE VII. GENERAL PROVISIONS**

### **Section 7-01. Legal Process.**

Legal process against the City shall be served upon the Mayor or, in his absence, upon the Chair of the Council.

### **Section 7-02. Code of Ethics.**

All officers, officials and employees of the City shall be subject to provisions of the Louisiana Code of Ethics pertaining to local governments.

### **Section 7-03. Amending or Repealing the Charter.**

A. Unless a duly constituted Charter Commission shall then be in effect or shall have concluded its work within the previous two (2) years, during the month of January in the tenth (10<sup>th</sup>) year after the effective date of this Charter and during the month of January every twelve (12) years thereafter, there shall be created a Charter Commission to review this

Charter and to consider all factors best calculated to fulfill the needs of the citizens of the City of Lafayette and to determine whether this Charter as then in effect still provides the best governmental process for the citizens of the City of Lafayette.

B. The Charter Commission shall be created in accordance with applicable law.

C. The Commission created pursuant to this Section is required to present to the Mayor and the City Council its recommendations, if any, for amendment to the Charter within nine (9) months of its first meeting.

D. Proposals to amend or repeal this Charter may also be made by a two-thirds (2/3) majority vote of the authorized membership of the Council or by petition signed by not less than ten (10%) percent of the total number of registered voters of the City of Lafayette for amending the Charter and not less than twenty (20%) percent of the registered voters to repeal the Charter. A petition shall contain the full text of the proposed amendment, amendments, or repeal of the Charter. The procedures and time limits for filing such a petition shall be the same as for an initiative ordinance as provided in Sections 6-01(1), (2) and (3).

E. Within thirty (30) days after a petition shall have been certified as sufficient and correct by the Council, the Council shall cause the amendment, amendments, or repeal provisions being proposed to be published in the official journal of the City government and posted on the Council's website.

F. Proposals to amend or repeal this Charter shall be submitted for ratification to the qualified electors of the City of Lafayette at the next regularly scheduled election or at a special election specified in the petition, provided that the petition is signed by an additional five (5%) percent of the total registered voters of the City of Lafayette. The results shall be determined by a majority vote of the electors voting on any particular proposal.

G. Proposals by the Council and by petition may be submitted to the voters at the same election and voters may, at their option, accept or reject any or all such proposals. Should conflicting proposals be approved at the same election, the one receiving the greater number of affirmative votes shall prevail to the extent of such conflict.

H. Upon passage or rejection of a proposal by the voters, at least one (1) year shall lapse before the same issue can again be submitted to the voters.

I. Except as provided in Section 8-09, no proposal to amend or repeal this Charter shall be submitted during the first one (1) year of

operations under this Charter. No amendment or repeal shall shorten the term for which any incumbent official was elected or reduce the salary of office for that term.

#### **Section 7-04. Bonding of Officers.**

City officers or employees as the Council may designate shall give bond in the amount and with the surety prescribed by the Council. The premiums on such bonds shall be paid by the City.

#### **Section 7-05. Oaths of Office.**

All elected officials of the City shall take an oath of office to be administered by the Clerk of the District Court.

#### **Section 7-06. Advisory Boards and Commissions.**

A. The Council, by resolution, and the Mayor may appoint advisory boards and commissions to provide advice regarding the operations of the City. No such board or commission shall have any administrative or legislative authority.

B. A member of an advisory board or commission shall receive no compensation for service and shall serve at the pleasure of the appointing authority.

C. Members of all existing boards and commissions shall complete their terms of office, except as may be provided by this Charter or by action of the Council.

D. All meetings of advisory boards and commissions shall be open to the public.

E. This Section shall not apply to a board or commission created by ordinance or in accordance with general state law.

#### **Section 7-07. Administrative Boards and Commissions.**

A. This Section pertains to boards and commissions created by ordinance or in accordance with general state law.

B. The Council and the Mayor may appoint members to boards and commissions as provided in ordinances and general state laws creating such boards and commissions.

C. No such board or commission shall have legislative authority.

D. Members of all existing administrative boards and commissions shall complete their terms of office, except as may be provided by this Charter or by action of the Council.

E. All meetings of administrative boards and commissions shall be open to the public.

F. The Council may, by ordinance, create, consolidate, merge, abolish or reorganize any administrative boards or commissions in existence at the date this Charter becomes effective or as may be created in the future.

### **Section 7-08. Reconstitution of Government.**

In the event of war or public disaster that incapacitates the Mayor and/or a majority of the Council, the remaining members of the Council may act on an emergency basis and shall appoint such other officials as are necessary to reconstitute the City government. It shall be the intent of this Section that these emergency powers shall subsist only so long as an emergency exists and the regularly constituted elections shall be held as soon as it is judicially determined that conditions permit their being held.

### **Section 7-09. Control Over Local Agencies and Special Districts.**

A. The Council shall have general power over any agency heretofore created by the governing authorities of the City or hereafter created by the Council including, without limitation, the power to abolish the agency and require prior approval of any charge, tax levy or bond issue by the agency.

B. No later than six (6) months or one hundred eighty (180) days after the close of an agency's or district's fiscal year, the agency or district shall submit to the Council a report on the accounts and other financial transactions of the agency or district which have been audited by an independent certified public accountant or otherwise prepared as required by state law and the Legislative Auditor's Office. Such report(s) shall be presented at a regular Council meeting and shall be posted on the Council's website.

C. The City may consolidate and merge into itself any special district or local public agency, except a school district, situated and having jurisdiction entirely within the boundaries of the City of Lafayette. Upon the consolidation and merger, the City shall succeed to and be vested with all of the rights, revenues, resources, jurisdiction, authority, and powers of the special district or local public agency. A consolidation and merger shall

become effective only if approved by a majority of the electors voting thereon in the City of Lafayette as a whole and by a majority of the electors voting thereon in the affected special district. A local public agency shall be consolidated and merged only if approved by a majority of the electors voting in the City of Lafayette as a whole.

D. If the special district or local public agency which is consolidated and merged has outstanding indebtedness, the authority provided by this Section shall not be exercised unless provision is made for the retirement or assumption of the indebtedness.

### **Section 7-10. Urban Services Districts.**

A. The Council shall be the governing authority of all urban services districts created by this Charter and shall have the authority to create by ordinance such other urban services districts, as it considers appropriate.

B. Urban services districts shall exist for the purpose of providing specified municipal type services in the City of Lafayette. The boundaries of all urban services districts shall not exceed the boundaries of the City of Lafayette as they exist on the effective date of this Charter or as they may exist in the future.

## **ARTICLE VIII. TRANSITIONAL PROVISIONS**

### **Section 8-01. Council Districts.**

Council districts for the election of the first Council members elected under this Charter shall be as established by the Lafayette City-Parish Council which is in office immediately preceding the effective date of this Charter not later than one hundred eighty (180) days prior to the date of qualification for such office. Such districts shall continue until such time as they are changed by redistricting in accordance with this Charter or applicable law.

### **Section 8-02. Continuation of Actions.**

A. All writs, actions, suits, proceedings, civil or criminal liabilities, prosecutions, judgments, sentences, contracts, franchises, debt or other obligations due by the City of Lafayette, rights or causes of action, claims,

demands, titles and rights existing on the effective date of this Charter shall continue unaffected. All sentences for punishment for ordinance violations or for crime shall be executed according to their terms.

B. All actions, ordinances, and administrative rules and regulations of the former Lafayette City-Parish Consolidated Government as they pertain to the City of Lafayette prior to the effective date of this Charter shall, insofar as they are not inconsistent with this Charter, remain in full force and effect until amended or repealed by the Council or until they expire by their own limitation.

### **Section 8-03. Special Districts.**

Any special district heretofore established and existing in the City of Lafayette shall continue to exist to effectuate the purpose for which it was created, to complete any works begun or authorized therein, to pay the debts of the district and to levy taxes and other charges as may have been or may be legally authorized in the district.

### **Section 8-04. Outstanding Indebtedness.**

Principal and interest payments due on any outstanding indebtedness incurred by the City shall continue to be the obligation of the geographical area constituting the boundaries of the City and all approved taxes to retire the indebtedness shall continue to be levied until such time as the indebtedness is retired.

### **Section 8-05. Fees, Charges and Tax Levies.**

A. Constitutional limitations on the maximum property tax millages that can be levied without voter approval shall continue to be applicable within the geographical boundaries of the City as they exist at the time this Charter becomes effective or as they may be changed in the future.

B. All fees, charges and taxes levied by the City shall continue to be levied by the City for purposes and services as prior to the effective date of this Charter until changed by the Council by ordinance or by a vote of the people when a vote is required for tax purposes.

C. Receipts from fees, charges, rentals and royalties, taxes, federal and state grants, and shared revenues and taxes applicable to the geographic area of the City or special districts which are less than city-wide

geographically shall be used only for services to be rendered in those geographic areas.

D. The levy of property tax millages above the constitutional maximum previously approved by the voters of the City of Lafayette or a special district within the boundaries of the City of Lafayette shall continue to be levied by the City and used for the approved purposes. Such levies may be renewed upon the favorable vote of the electors within the geographical area involved.

#### **Section 8-06. Special Legislative Acts.**

All special legislative acts pertaining to the City of Lafayette, insofar as they are in conflict with the provisions of this Charter, shall henceforth be inoperative and of no effect.

#### **Section 8-07. Retirement Systems.**

No pension and retirement plans for employees of the City of Lafayette in existence at the time this Charter is approved shall be affected in any way by this Charter. The plans shall remain in full force and effect and shall be carried out and regulated in accordance with applicable laws and procedures

#### **Section 8-08. Declaration of Intent.**

This Charter shall be liberally construed in aid of its declared intent which is to establish for the people of the City of Lafayette effective home rule free from legislative interference as to the structure and organization of its local government, and with the power and authority to manage its local affairs, all as contemplated and intended by the provisions of Article VI, Sections 5 and 6 of the Constitution.

#### **Section 8-09. Severability.**

If any provision of this Charter is declared invalid for any reason, that provision shall not affect the validity of this Charter or any other provisions thereof.

**Section 8-10. Violation of Voting Rights Act.**

In the event the Civil Rights Division of the United States Department of Justice or any court of competent jurisdiction declares any part of this Charter to be in violation of the Voting Rights Act prior to the date the Charter becomes effective, the Lafayette Charter Commission shall reconvene for a period not to exceed ninety (90) days for the purpose of drafting and proposing amendments to the Charter to the electors of the City of Lafayette.

**Section 8-11. Utilities System, Sale or Lease.**

The City shall not sell, lease or in any manner dispose of its utilities system or any substantial part thereof without an election called for that purpose. This shall not be construed to prevent the disposal by the City of Lafayette, with the approval of the consulting engineers, of property which has become obsolete, unserviceable and not necessary for the efficient operation of the utilities system. The proceeds of the sale of such property shall only be used to purchase or construct other capital improvements for the utilities system.

**Section 8-12. Schedule of Transition.**

The provisions of this Charter pertaining to the election of City government officials created hereunder shall become effective on the date this Charter is adopted. The remaining provisions of this Charter shall become effective on the date of taking of office of the newly elected officials provided for by this Charter, such date being established in Section 8-13.

**Section 8-13. Election of Officials.**

A. The first election for officials under this Charter shall be held at the same time as the primary and general elections for the Governor of Louisiana in 2015. Subsequent elections shall be held on corresponding dates every fourth (4<sup>th</sup>) year thereafter.

B. Officials elected under provisions of this Charter in the election of 2015 shall take office on the first Monday in January next following their election. Thereafter, officials elected under provisions of this Charter shall take office at noon on the first Monday in January next following their

election, except that, if such date should be a legal holiday, they shall take office at noon on the next day which is not a legal holiday.

C. All elected officials elected under provisions of the Charter for the Lafayette City-Parish Consolidated Government shall continue to hold their offices and discharge the duties thereof until the officials elected under provisions of this Charter take office. Thereafter, the offices of the former Lafayette City-Parish Consolidated Government shall cease to exist.

#### **Section 8-14. Required Approval By Electors.**

The Charter shall become effective only if approved by a majority of those voting on the Charter residing in the Parish of Lafayette.

#### **Section 8-15. Charter Ballot.**

The ballot form for the referendum on this proposed Charter shall be:

Shall the existing Home Rule Charter and plan of government for the Lafayette City-Parish Consolidated Government, approved at a public referendum held on November 3, 1992, as heretofore amended, be replaced by (a) Home Rule Charter and plan of government for the City of Lafayette, according to Article VI, Section 4 of the Constitution of Louisiana and other applicable law, and (b) Home Rule Charter and plan of government for the Parish of Lafayette, according to Article VI, Section 5 of the Constitution of Louisiana and other applicable law, both as prepared and submitted by the duly constituted Charter Commission to the Clerk of the Lafayette City-Parish Consolidated Council and to the City-Parish President on April 12, 2011, and shall such separate Charters for the City of Lafayette and for the Parish of Lafayette be adopted?

FOR

AGAINST